THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9330 OF 1997

DATED: 24-01-2007

Between:

A.K. Durga Prasad

.. Petitioner

and

The Managing Director, Food Corporation of India, 16-20, Barakhamba Lane, New Delhi and another.

.. Respondents

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WRIT PETITION NO.9330 OF 1997

ORDER:

In this writ petition, the petitioner is seeking a mandamus declaring the action of the 1st respondent in prescribing upper age of 40 years for the post of Deputy Manager (General/Administration), as arbitrary and illegal; and consequently to direct the 1st respondent to consider the case of the petitioner for selection to the post of Deputy Manager (General/Administration) in the vacancies published in the Employment News dated 16 to 22, November 1996, without insisting for the upper age limit of 40 years.

It appears, the petitioner was appointed as Assistant Grade-III (Depot) in the Food Corporation of India (for short 'the FCI'). Thereafter, he was promoted as Assistant Grade-II (Depot) in the year 1993. While that being so, the FCI issued a notification in the month of November 1996 and the same was published in the Employment News. As per the notification, the upper age limit for the post of Deputy Manager (General/Administration), as on 01-08-1996, is 35 years and further relaxed by 5 years for the departmental candidates. The petitioner applied for the same, but his application was not considered on the ground that he was over-aged. According to the petitioner, as per the circular of the Deputy Manager dated 20-12-1993, which was issued during the notification of the year 1993, upper age limit for the departmental candidates for the post of Deputy Manager (General/Administration) was 45 years. Hence, his

case should have been considered for the said post.

No interim orders were passed by this Court.

The source for fixing such upper age limit and the circular said to have been issued by the Deputy Manager are not available. The learned counsel for the petitioner also not able to place before this Court that, as per the recruitment regulations, the departmental candidates are entitled for a further concession of 5 years beyond 40 years. Apart from that, now it is more than ten years since the writ petition was filed and the recruitment for the year 1996 might have been completed and concluded. Therefore, the cause in the writ petition does not survive for adjudication and the petition has become infructuous.

The writ petition is accordingly dismissed as infructuous. There shall be no order as to costs.

C.V. RAMULU, J

24th January 2007.
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